

HOUSE BILL NO. 809

INTRODUCED BY B. GLASER, SINRUD, BARKUS, MCGEE, MCGILLVRAY, MACLAREN

A BILL FOR AN ACT ENTITLED: "~~AN ACT APPROPRIATING MONEY TO THE OFFICE OF PUBLIC INSTRUCTION, THE BOARD OF PUBLIC EDUCATION, THE MONTANA SCHOOL FOR THE DEAF AND BLIND, THE MONTANA ARTS COUNCIL, THE MONTANA STATE LIBRARY COMMISSION, AND THE MONTANA HISTORICAL SOCIETY FOR THE BIENNIUM ENDING JUNE 30, 2009, AND SETTING RATES FOR INTERNAL SERVICES FUNDS; REVISING LAWS TO ALLOW FOR THE APPROPRIATIONS AND TO IMPLEMENT THE STATUTORY PROVISIONS GOVERNING APPROPRIATIONS FOR THE OPERATION OF THE OFFICE OF PUBLIC INSTRUCTION, THE BOARD OF PUBLIC EDUCATION, THE MONTANA SCHOOL FOR THE DEAF AND BLIND, THE MONTANA ARTS COUNCIL, THE MONTANA STATE LIBRARY COMMISSION, AND THE MONTANA HISTORICAL SOCIETY; REQUIRING REPORTS ON THE SUCCESS OF CERTAIN EDUCATION FUNDING MEASURES; AMENDING SECTIONS 15-1-122, 17-1-507, 17-7-123, 17-7-131, 17-7-138, 17-7-139, 17-7-140, 17-7-301, 17-7-304, 20-9-542, AND 90-4-614, MCA; AND PROVIDING AN EFFECTIVE DATES DATE."~~

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

(Refer to Third Reading Bill)

Strike everything after the enacting clause and insert:

NEW SECTION. **Section 1. First level expenditures.** The agency and program appropriation tables in the legislative fiscal analyst narrative accompanying this bill, showing first level expenditures and funding for the 2009 biennium, are adopted as legislative intent.

NEW SECTION. **Section 2. Severability.** If any section, subsection, sentence, clause, or phrase of [this act] is for any reason held unconstitutional, the decision does not affect the validity of the remaining portions of [this act].

NEW SECTION. **Section 3. Appropriation control.** An appropriation item designated "Biennial" may be spent in either year of the biennium. An appropriation item designated "Restricted" may be used during the biennium only for the purpose designated by its title and as presented to the legislature. An appropriation item designated "One Time Only" or "OTO" may not be included in the present law base for the 2011 biennium. The office of budget and program planning shall establish a separate appropriation on the statewide accounting, budgeting, and human resource system for any item designated "Biennial", "Restricted", "One Time Only", or "OTO". The office of budget and program planning shall establish at least one appropriation on the statewide accounting, budgeting, and human resource system for any appropriation that appears as a separate line item in [this act].

1 **NEW SECTION. Section 4. Program definition.** As used in [this act], "program" has the same meaning as defined in 17-7-102, is consistent with the management and accountability
2 structure established on the statewide accounting, budgeting, and human resource system, and is identified as a major subdivision of an agency ordinally numbered with an Arabic numeral.

3
4 **NEW SECTION. Section 5. Personal services funding -- 2011 biennium.** Present law and new proposal funding budget requests for the 2011 biennium submitted under Title
5 17, chapter 7, part 1, by each executive branch agency must include funding of first level personal services separate from funding of other expenditures. The funding of first level personal
6 services by accounting entity or equivalent for each fiscal year must be shown at the fourth reporting level or equivalent in the budget request for the 2011 biennium submitted by October 30
7 to the legislative fiscal analyst by the office of budget and program planning.

8
9 **NEW SECTION. Section 6. Totals not appropriations.** The totals shown in [this act] are for informational purposes only and are not appropriations.

10
11 **NEW SECTION. Section 7. Effective date.** [This act] is effective July 1, 2007.

12
13 **NEW SECTION. Section 8. Appropriations.** The following money is appropriated for the respective fiscal years:

	Fiscal 2008					Fiscal 2009					Total	
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other		
1	OFFICE OF PUBLIC INSTRUCTION											
2												
3	OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION (3501)											
4	1. OPI Administration (06)											
5	5,186,912	230,007	12,673,034	0	0	18,089,953	5,253,000	230,257	12,737,406	0	0	18,220,663
6	a. K-12 Education Data Systems (Restricted/Biennial)											
7	1,866,814	0	0	0	0	1,866,814	1,592,133	0	0	0	0	1,592,133
8	b. Curriculum Specialists (Restricted/Biennial)											
9	959,700	0	0	0	0	959,700	924,816	0	0	0	0	924,816
10	c. Storage Area Network (SAN) Replacement (Restricted/OTO)											
11	160,000	0	0	0	0	160,000	0	0	0	0	0	0
12	d. Indian Education for All and Indian Achievement Gap (Restricted/Biennial)											
13	1,665,351	0	0	0	0	1,665,351	1,665,570	0	0	0	0	1,665,570
14	e. Indian Education for All Tribal History (Restricted/Biennial/OTO)											
15	237,500	0	0	0	0	237,500	237,500	0	0	0	0	237,500
16	f. Mental Health Screening and Referral (Restricted)											
17	112,583	0	0	0	0	112,583	106,713	0	0	0	0	106,713
18	2. Distribution to Public Schools (09)											
19	0	0	139,285,243	0	0	139,285,243	0	0	145,148,901	0	0	145,148,901
20	a. Base Aid (Restricted)											
21	503,114,737	0	0	0	0	503,114,737	513,450,519	0	0	0	0	513,450,519
22	<u>504,458,688</u>					<u>504,458,688</u>	<u>514,972,111</u>					<u>514,972,111</u>
23	<u>B. BASE AID INCREASE -- SENATE BILL NO. 75</u>											
24	<u>188,569</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>188,569</u>	<u>184,664</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>184,664</u>
25	c. Special Education (Restricted)											
26	40,434,302	0	0	0	0	40,434,302	41,647,331	0	0	0	0	41,647,331
27	d. Transportation (Restricted)											

	<u>Fiscal 2008</u>						<u>Fiscal 2009</u>					
	<u>General Fund</u>	<u>State Special Revenue</u>	<u>Federal Special Revenue</u>	<u>Proprietary</u>	<u>Other</u>	<u>Total</u>	<u>General Fund</u>	<u>State Special Revenue</u>	<u>Federal Special Revenue</u>	<u>Proprietary</u>	<u>Other</u>	<u>Total</u>
1	12,472,550	0	0	0	0	12,472,550	12,572,550	0	0	0	0	12,572,550
2	e.	School Facility Payment (Restricted)										
3	10,509,037	0	0	0	0	10,509,037	10,509,037	0	0	0	0	10,509,037
4	f.	In-State Treatment (Restricted)										
5	974,896	0	0	0	0	974,896	974,896	0	0	0	0	974,896
6	g.	Secondary Vo-Ed (Restricted)										
7	1,000,000	0	0	0	0	1,000,000	1,000,000	0	0	0	0	1,000,000
8	h.	Adult Basic Ed (Restricted)										
9	525,000	0	0	0	0	525,000	525,000	0	0	0	0	525,000
10	i.	Gifted and Talented (Restricted)										
11	250,000	0	0	0	0	250,000	250,000	0	0	0	0	250,000
12	j.	Gifted and Talented (Restricted/OTO)										
13	1,000,000	0	0	0	0	1,000,000	1,000,000	0	0	0	0	1,000,000
14	k.	School Foods (Restricted)										
15	648,655	0	0	0	0	648,655	648,655	0	0	0	0	648,655
16	l.	HB 124 Block Grants (Restricted)										
17	50,979,326	0	0	0	0	50,979,326	51,366,769	0	0	0	0	51,366,769
18	m.	State Tuition Payments (Restricted)										
19	606,138	0	0	0	0	606,138	606,138	0	0	0	0	606,138
20	n.	Traffic Safety (Restricted)										
21	0	750,000	0	0	0	750,000	0	750,000	0	0	0	750,000
22	o.	Full-Time Kindergarten Startup Costs (Biennial/OTO)										
23	10,000,000	0	0	0	0	10,000,000	0	0	0	0	0	0
24	p.	At-Risk Payment (Restricted)										
25	5,000,000	0	0	0	0	5,000,000	5,000,000	0	0	0	0	5,000,000
26	q.	Indian Education for All Payment (Restricted/OTO)										
27	2,100,000	0	0	0	0	2,100,000	2,100,000	0	0	0	0	2,100,000

	Fiscal 2008					Fiscal 2009						
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
1	R.	<u>SCHOOL FLEXIBILITY ACCOUNT (RESTRICTED/OTO)</u>										
2	0	0	0	0	0	0	0	10,000,000	0	0	0	10,000,000
3	S.	<u>DISTANCE LEARNING TECHNOLOGY PAYMENT</u>										
4	161,250	0	0	0	0	161,250	325,000	0	0	0	0	325,000
5	<hr/>											
6	Total											
7	649,803,501	980,007	151,958,277	0	0	802,741,785	651,430,627	980,257	157,886,307	0	0	810,297,191
8	<u>651,497,271</u>					<u>804,435,555</u>	<u>653,461,883</u>	<u>10,980,257</u>				<u>822,328,447</u>

9 IF SENATE BILL NO. 75 IS NOT PASSED AND APPROVED, BASE AID INCREASE--SENATE BILL NO. 75 IS VOID.

10 The office of public instruction may distribute funds from the appropriation for In-State Treatment to public school districts for the purpose of providing for educational costs of children

11 with significant behavioral or physical needs.

12 ~~All~~ EXCEPT FOR THE AMOUNT APPROPRIATED FOR ADMINISTRATION FROM THE TRAFFIC EDUCATION ACCOUNT IN OPI ADMINISTRATION, ALL REMAINING revenue up to \$1.1 million in the traffic

13 education account for distribution to schools under the provisions of 20-7-506 and 61-5-121 is appropriated as provided in Title 20, chapter 7, part 5.

14 All appropriations for federal special revenue programs in state level activities and in local educational activities and all general fund appropriations in local educational activities are

15 biennial.

16 IF SENATE BILL NO. 568 DOES NOT CONTAIN A TRANSFER OF \$10 MILLION FROM THE SCHOOL FACILITY IMPROVEMENT FUND TO THE SCHOOL FLEXIBILITY FUND, SCHOOL FLEXIBILITY ACCOUNT IS

17 VOID.

18 IF HOUSE BILL NO. 515 IS NOT PASSED AND APPROVED, DISTANCE LEARNING TECHNOLOGY PAYMENT IS VOID.

